

REMARKS

Claims 1-16 are pending. By this Amendment, Claims 1-6 are amended and Claims 7-16 added. The amendments to Claims 1-6 are fully supported in the originally filed application, including the specification, claims, and drawings thereof. Further, the amendments to Claims 2-6 are merely for grammatical and cosmetic purposes only and in no way are intended to limit the scope of the subject matter recited therein. Accordingly, Applicants respectfully submit no new material is presented herein.

Drawings

Figure 5 is objected to because only that which old is illustrated and therefore is required to be designated by a legend, such as, Prior Art. As Applicants do not agree that Figure 5 illustrates Prior Art, but rather illustrates Related Art, Figure 5 is amended herein to include a --Related Art-- legend as Figure 5 illustrates the subject matter identified in the originally filed application as "Related Art." Applicants respectfully request withdrawal of the objection.

Claims 1-16 Recite Patentable Subject Matter

Claims 1-6 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,257,587 to Toth et al. (hereinafter "Toth"). Applicants respectfully traverse the rejection.

Regarding Claim 1, the Office Action states Toth discloses a seal device for providing a seal against a sealing object fluid between a rotary shaft and a housing accommodating the rotary shaft (intended use but the seal is between a rotary shaft and a housing where a fluid is sealed between the housing and the shaft) extending therethrough. The seal device has a seal ring (98) that is mounted onto the seal

housing (216) and has a seal surface (seal surface 101), a seal lip member (244) being arranged in the opposite side of the seal surface of the seal ring, an outer peripheral portion (outer portion of the lip 246 that is mounted on the housing) of the seal lip member being mounted on the housing, the seal lip member having a lip portion (246) and the lip portion being brought into fitting close contact with the rotary shaft (where 246 is contacting a rotary shaft 218 through a sleeve 234).

The seal device further includes a face end seal (282) opposing to the seal ring and being fixed on the rotary shaft in a fluid tight seal manner, the face end seal having a protruding lip member (284), the protruding lip member extending from one end portion toward the seal surface (101) and being capable of forming close contact with the seal surface (101).

The protruding lip member is at an angle (angle of lip 284 relative to the surface 101) to the seal surface in radially outward a direction which is in the fluid side (fluid side 247).

The lip portion of the seal lip member is disposed inside an inner diameter surface of the seal ring for effecting a seal against the fluid (this is the case since the lip member 246 is inside the inner diameter of the seal ring).

Pending Claim 1 recites the seal device includes, among other features, that the lip portion of the seal lip member is bent to be parallel relative to a longitudinal axis of the rotary shaft and extends toward a fluid side to be in fitting close contact with the rotary shaft. Claim 1 also recites the lip portion is disposed inside an inner diameter surface of the seal ring.

Applicants respectfully submit Toth does not disclose or suggest the lip portion (246) is bent to be parallel relative to the longitudinal axis of the rotary shaft (218) and extend toward a fluid side to be in fitting close contact with the rotary shaft (218). Further, Applicants note the lip portion (246) disclosed by Toth is not inside the inner surface of the reinforcement ring toward the liquid side (243). Rather, Applicants respectfully submit Toth discloses the lip portion (246) is oblique or angled relative to the longitudinal axis of the rotary shaft (218), but is clearly not parallel thereto (See Figure 3 of Toth).

Claim 1 also recites the face end seal has a protruding lip member extending from a lower end portion thereof toward the seal surface. As shown in Figure 3, Toth discloses the lip (284) of the face end seal (278) extends from an upper end portion thereof toward and air side (247) and not the pressurized fluid side (243).

Claim 10 recites a seal device having, among other features, a face end seal opposing the seal ring and being directly fixed onto the rotary shaft. The Office Action asserts Toth discloses a face end seal (282) opposing the seal ring (98) and being fixed on the rotary shaft (218) in a fluid tight manner. However, Applicants respectfully point out the face end seal (282) disclosed by Toth is not directly fixed onto the rotary shaft (218) as the filter element (286) and cylindrical body portion (234) of the wear sleeve (224) are disposed between a lower surface of the face end seal (282) and an outer surface of the rotary shaft (218). As such, the face end seal (282) disclosed by Toth cannot provide as fluid tight a seal as the face end seal recited by Claim 10 because the face end seal (282) is not directly fixed onto the rotary shaft (218).

To qualify as prior art under 35 USC § 102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Toth does not disclose or suggest each and every feature recited by Claims 1 and 10. Therefore, Applicants respectfully submit Toth does not anticipate or render obvious the subject matter recited by Claims 1 and 10. Accordingly, Applicants respectfully submit Claims 1 and 10 should be deemed allowable over Toth.

Claims 2-9 depend from Claim 1. Claims 11-16 depend from Claim 10. It is respectfully submitted that these fourteen (14) dependent claims be deemed allowable for the same reasons Claims 1 and 10, respectfully, are allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

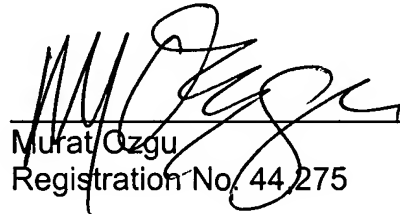
Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of Claims 1-16, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that the filing of this paper is not deemed timely, Applicants petition for an appropriate extension of time. Any petition fee for the extension of time and any other fees that may be required in relation to this paper can be charged to Deposit Account No. 01-2300, **referencing Docket No. 108179-00040.**

Respectfully submitted,


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Enclosures: Replacement Figure 5
Petition for Extension of Time
CMM/MO:elp

IN THE DRAWINGS:

Attached hereto is a Replacement Sheet of drawing Figure 5, wherein Figure 5 has been amended to include a --Related Art-- legend.